



DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY
ACQUISITION LOGISTICS AND TECHNOLOGY
US ARMY CONTRACTING AGENCY
5109 LEESBURG PIKE SUITE 302
FALLS CHURCH VA 22041-3201

DEC 05 2006

SFCA-CO

MEMORANDUM FOR U.S. ARMY CONTRACTING AGENCY (ACA) DIRECTORS
AND COMMANDERS

SUBJECT: ACA Policy Memorandum P0016: Unauthorized Commitment (UAC)
Submission for Approval Policy and Semi-Annual Report

The purpose of this memorandum is to provide each region with a uniform UAC submission document. As of the date of this memorandum the ACA Regions will use the "Request for Ratification of Unauthorized Commitment" Form to process UACs. The document "Request for Ratification of Unauthorized Commitment" (Enclosure 1) provides for a uniform succinct package describing the circumstances that lead to the UAC; the senior staff officer's investigation of and action on the UAC; the contracting officer's review of UAC; legal review and recommended disposition of the UAC; and, Chief of Contracting Office ratification approval.

As Director of the ACA, my goal is to eliminate UACs. We owe it to our customers to be proactive in identifying where UACs occur and ensure that our customers are trained in the proper contracting procedures. Therefore, knowing where the UACs emanate is of importance. I have asked my staff to report semi-annually the number of UACs and the total dollars they represent. The report for the first six months of each Fiscal Year (FY) is due May 15th and a cumulative report for the entire FY is due November 15th of each year. List each installation in your region and report a zero ("0") if no UACs occurred during that reporting period. Provided for your use in reporting UACs is an attached Excel spreadsheet. (Enclosure 2)

My point of contacts for this report are Mr. Tim Pugh or Ms. Cheryl Jamison, at (703) 681-5407 or (703) 681-1047, respectively; and, email at timothy.pugh@hqda.army.mil or cheryl.jamison@hqda.army.mil.


Bryon J. Young
Director

Army Contracting Agency

Enclosures

KE6-1384

REQUEST FOR APPROVAL OF UNAUTHORIZED COMMITMENT

FEDERAL ACQUISITION REGULATION (FAR) 1.602-3

AMOUNT (\$)

TO (Contractor Name and Address)

FOR (Item or Service)

DATE OF COMMITMENT

COMMITTING ACTIVITY/UNIT

PART I – DESCRIPTION OF COMMITMENT AND UNIT COMMANDER'S REVIEW

AUTHORITY: FEDERAL ACQUISITION AUTHORITY (FAR) 1.602-3

ARMY FEDERAL ACQUISITION REGULATION SUPPLEMENT (AFARS) 5101.602-3.

The individual making the unauthorized commitment shall complete items 1-5 of Part I, Section A, provide the required documentation, sign, date, and forward to his/her immediate supervisor for completion of Item 7. The immediate supervisor shall then forward the file to the appropriate individual (Unit Commander, Director or Activity Chief) for completion of Part I, Section B. The complete file shall be forwarded through command channels to the Director of the Supporting Installation Directorate of Contracting. All information shall be completed in detail.

SECTION A – COMMITMENT CIRCUMSTANCES

(Completed by individual making the unauthorized commitment and supervisor of that individual. Following immediate supervisor's completion of Part I, Section A, Items 6 & 7, forward through command channels to Unit Commander, Director or Activity Chief (first O6 or equivalent).)

1. STATEMENT BY INDIVIDUAL DESCRIBING CIRCUMSTANCES

2. EXPLAIN WHY NORMAL PROCUREMENT PROCEDURES WERE NOT FOLLOWED

PART I – SECTION A – COMMITMENT CIRCUMSTANCES (Continued)

3. DESCRIBE BONA FIDE GOVERNMENT REQUIREMENT NECESSITATING THE COMMITMENT

4. DESCRIBE GOVERNMENT RECEIVED BENEFITS *(Give value of benefit and other pertinent facts)*

5. LIST AND ATTACH ALL RELEVANT DOCUMENTS *(Include orders, invoices and other evidence of the transaction)*

TYPED NAME, GRADE OR RANK AND TITLE OF
INDIVIDUAL MAKING UNAUTHORIZED COMMITMENT

SIGNATURE

DATE (MM/DD/YY)

6. DESCRIBE ATTEMPTS TO RESOLVE UNAUTHORIZED COMMITMENT PRIOR TO REQUESTING RATIFICATION *(Such as, returning merchandise, individual paying from personal funds, etc.)*

7. COMMENTS OF IMMEDIATE SUPERVISOR OF INDIVIDUAL MAKING UNAUTHORIZED COMMITMENT			
TYPED NAME, GRADE OR RANK, TITLE AND ORGANIZATION OF SUPERVISOR		SIGNATURE	DATE (MM/DD/YY)
<p align="center">PART 1 – SECTION B – CONTRACTUAL RATIFICATION</p> <p><i>(Completed by Unit Commander, Director, or Activity Chief (first O6 or equivalent in chain of command). Complete items 1 through 4 and forward through chain of command to Director of the Supporting Installation Directorate of Contracting.)</i></p>			
1. DESCRIBE SPECIAL REMEDIAL CORRECTIVE ACTION AND/OR DISCIPLINARY ACTION TAKEN <i>(Include a description of any administrative action to be taken under applicable personnel authority or furnish an explanation of why no disciplinary action was considered necessary.)</i>			
2. DESCRIBE ACTION TAKEN TO PREVENT RECURRENCE OF UNAUTHORIZED ACT			
3. I HAVE REVIEWED PART I, SECTION A, AND VERIFY THAT THE INFORMATION IS ACCURATE AND COMPLETE, THAT THE GOVERNMENT RECEIVED A BENEFIT AND ASSOCIATED VALUE FROM THE UNAUTHORIZED COMMITMENT AND I: <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> CONCUR WITH RATIFICATION of the Unauthorized Commitment </div> <div> <input type="checkbox"/> DO NOT CONCUR with the ratification of the Unauthorized Commitment (Explain Non-concurrence) </div> </div>			
4. COMPLETED PURCHASE DESCRIPTION AND FUNDING DA FORM 3953 IS EXECUTED AND ATTACHED (REQUIRED IF RATIFICATION IS RECOMMENDED)). DA FORM 3953 MUST SPECIFICALLY STATE THAT FUNDS WERE AVAILABLE AT THE TIME THE UNAUTHORIZED COMMITMENT WAS MADE AND ARE STILL AVAILABLE. <input type="checkbox"/> YES <input type="checkbox"/> NO			
TYPED NAME, GRADE OR RANK, TITLE AND ORGANIZATION OF UNIT COMMANDER		SIGNATURE	DATE(MM/DD/YY)

PART II – CONCURRING OFFICIAL’S APPROVAL *(Applicable only to actions greater than \$10K)*
(Completed by individual indicated by “X” as identified by Director of Contracting. When completed, forward to supporting Directorate of Contracting of unit committing Government.)

- ☐ GARRISON COMMANDER *(Unauthorized action committed by individual in direct chain of command of Garrison Commander)*
- ☐ INSTALLATION COMMANDER *(Unauthorized action committed by individual in direct chain of command of Installation Commander)*
- ☐ FIRST GENERAL OFFICER OR SES *(Unauthorized action committed by individual in tenant activity outside direct chain of command or Supporting Installation) (Does not include reserve component)*
- ☐ COMMANDER OF DIRECT REPORTING UNITS (DRU)

1. APPROVAL OF CORRECTIVE ACTION AND/OR DISCIPLINARY ACTION TAKEN

☐ YES ☐ NO *(Explain nonconcurrence)*

2. APPROVAL OF RECOMMENDED CORRECTIVE ACTION TO PRECLUDE RECURRENCE

☐ YES ☐ NO *(Explain nonconcurrence)*

TYPED NAME, GRADE OR RANK, TITLE AND ORGANIZATION

SIGNATURE

DATE(MM/DD/YY)

PART III - CONTRACTING OFFICER ASSIGNMENTPROPOSED RATIFICATION ASSIGNED FOR PROCESSING TO *(Name of Contracting Officer)*

TYPED NAME OF DIRECTOR OF CONTRACTING

SIGNATURE

DATE(MM/DD/YY)

PART IV – CONTRACTING OFFICER'S REVIEW
FAR 1.602.3 AND AFARS 5101.602-3.90

THE CONTRACTING OFFICER ASSIGNED IN PART III SHALL REVIEW THE FILE AND PROCEED AS FOLLOWS:

1. Determine the adequacy of all facts, records, and documents furnished, and obtain any additional material required.
2. Prepare a summary of facts to include a recommendation as to whether or not the transaction should be ratified and reasons for the recommendation. A recommendation not to ratify must include a recommendation as to whether or not the matter should be processed under FAR Part 50 and DFARS Part 250 (Pub. L. 85-804) as a GAO claim or in some other appropriate way.
3. Obtain an opinion from legal counsel as to whether the acquisition is ratifiable under FAR and AFARS, whether the matter should be processed under FAR and DOD FAR Supplement Part 50 (Public Law 85-804), processed as a GAO claim, or otherwise handled. (Refer to Part V, Section A – Legal Review before proceeding with items 3 -10).
4. Determine whether supplies or services have been provided to and accepted by the Government, or the Government otherwise has obtained or will obtain a benefit resulting from performance of the unauthorized commitment.
5. The ratifying official has the authority to enter into a contractual commitment.
6. Determine whether the resulting contract would otherwise have been proper if made by an appropriate contracting officer.
7. State whether the price is considered fair and reasonable and indicate how that determination was made.
8. Indicate whether or not the contracting officer recommends payment and legal counsel concurs in the recommendation, unless agency procedures expressly do not require such concurrence.
9. Determine that sufficient funds are available, and were available at the time the unauthorized commitment was made.
10. State whether the ratification is in accordance with any other limitations prescribed under agency procedures.

CONTRACTING OFFICER'S REVIEW:

If more space is required, KO's statement may be attached; signature and date required below and on attachment).

TYPED NAME OF CONTRACTING OFFICER

SIGNATURE

DATE (MM/DD/YY)

PART V

SECTION A – LEGAL REVIEW
(Completed by Legal Counsel)

DETERMINE WHETHER THE ACQUISITION IS RATIFIABLE UNDER FAR 1.602-3 AND AFARS 5101.602-3. OR WHETHER THE MATTER SHOULD BE PROCESSED UNDER FAR AND DOD FAR SUPPLEMENT PART 50 (Public Law 85-804), AS A GAO CLAIM, OR RECOMMEND OTHER APPROPRIATE DISPOSITION. (Return to Director of Contracting for review)

(If more space is required, legal opinion may be attached; signature and date required below and on attachment)

TYPED NAME OF LEGAL ADVISOR

SIGNATURE

DATE (MM/DD/YY)

SECTION B
AFARS 5101.602-3
(Completed by Director of Contracting)

1. ACTIONS OF \$10,000 OR LESS

BASED ON THE FOREGOING DETERMINATION, REQUEST FOR UNAUTHORIZED COMMITMENT IS:

- ☐ Approved (Issue Purchase Order)
- ☐ Disapproved (Explain disapproval)

2. ACTIONS OVER \$10,000 BUT NOT OVER \$100,000. (Written request shall be submitted to the appropriate PARC for approval with all appropriate documentation.)

- ☐ Approval is recommended

3. ACTIONS OVER \$100,000 (Written request shall be submitted through the appropriate PARC to the HCA for approval with all appropriate documentation.) Refer to ACA Acquisition Instruction.

- ☐ Approval is recommended

TYPED NAME OF DIRECTOR OF CONTRACTING

SIGNATURE

DATE (MM/DD/YY)

Command or Director Name: ACA HQ ROLL UP

Due: Semi-Annually

Each May 15th - First six-months of FY

Each November 15th - cumulative for FY

Starting FY 07

Installation	Number of UAC's < &10K	Number of UAC's \$10K - \$100K	Number of UAC's Over \$100K	Total Number Of UAC's	Total Value
ITEC 4	0	0	0	0	\$ -
NR					
SR					
The Americas					
SWA					
CCE					
Korea					
Europe					
PR					
Total	0	0	0	0	\$ -

Command or Director Name: ITEC 4

Due: Semi-Annually

Each May 15th - First six-months of FY

Starting FY 07

Each November 15th - cumulative for FY

Installation	Number of UAC's < &10K	Number of UAC's \$10K-\$100K	Number of UAC's Over \$100K	Total Number Of UAC's	Total Value
US ARMY INFORMATION TECHNOLOGY, E-COMMERCE AND CONTRACTING CENTER					
ITEC4 WEST					
ITEC4 WEST DOC					
Total	0	0	0	0	\$ -

Command or Director Name: Northern Region

Due: Semi-Annually

Starting FY 07

Each May 15th - First six-months of FY
Each November 15th - cumulative for FY

Installation	Number of UAC's < &10K	Number of UAC's \$10K - \$100K	Number of UAC's Over \$100K	Total Number Of UAC's	Total Value
CONTRACTING REGION, NORTH					
CDCC					
FORT A.P. HILL					
FORT HAMILTON					
FORT MEADE					
FORT MYER					
FORT EUSTIS					
FORT LEE					
NRCC					
ABERDEEN PROVING GROUND					
FORT CARSON					
FORT DRUM					
FORT LEONARD WOOD					
FORT LEWIS					
FORT RILEY					
WEST POINT					
BUCHANAN SATELLITE OFFICE					
FORT MONMOUTH					
NATICK					
SELFRIIDGE					
FORT BENNING					
FORT BLISS					
FORT CAMPBELL					
FORT GORDON					
FORT HOOD					
FORT IRWIN					
FORT JACKSON					
FORT POLK					
FORT RUCKER					
FORT SILL					
FORT STEWART					

Installation	Number of UAC's < &10K	Number of UAC's \$10K-\$100K	Number of UAC's Over \$100K	Total Number Of UAC's	Total Value
PRESIDIO OF MONTEREY					
REDSTONE ARSENAL					
OMAR					
FORT DIX					
FORT MCCOY					
BUCHANAN SATELLITE OFFICE					
SEATTLE SATELLITE OFFICE					
FORT TOTTEN SATELLITE OFFICE					
BIRMINGHAM SATELLITE OFFICE					
MINNEAPOLIS SATELLITE OFFICE					
LOS ALAMITOS SATELLITE OFFICE					
WICHITA SATELLITE OFFICE					
NORTH LITTLE ROCK SATELLITE OFFICE					
SALT LAKE CITY SATELLITE OFFICE					
CORAOPOLIS SATELLITE OFFICE					
DEVENS SATELLITE OFFICE					
9th REGIONAL SUPPORT COMMAND					
ARCC, WEST COAST CONTRACTING OFC					
TOTAL	0	0	0	0	\$ -

Command or Director Name: Southern Region

Due: Semi-Annually

Each May 15th - First six-months of FY
Each November 15th - cumulative for FY

Starting FY 07

Installation	Number of UAC's < &10K	Number of UAC's \$10K-\$100K	Number of UAC's Over \$100K	Total Number Of UAC's	Total Value
CONTRACTING REGION, SOUTH					
SRCC					
FORT BRAGG					
FORT KNOX					
FORT SAM HOUSTON					
WHITE SANDS MISSILE RANGE					
YUMA PROVING GROUND					
CARLISLE BARRACKS					
FORT LEAVENWORTH					
DUGWAY PROVING GROUND					
TOTAL	0	0	0	0	\$ -

Command or Director Name: The Americas

Due: Semi-Annually

Starting FY 07

Each May 15th - First six-months of FY
Each November 15th - cumulative for FY

Installation	Number of UAC's < &10K	Number of UAC's \$10K - \$100K	Number of UAC's Over \$100K	Total Number Of UAC's	Total Value
CONTRACTING ELEMENT - THE AMERICAS					
MIAMI DIVISION					
MISSION DIVISION					
TOTAL	0	0	0	0	\$ -

Command or Director Name: SWA

Starting FY 07

Due: Semi-Annually

Each May 15th - First six-months of FY
Each November 15th - cumulative for FY

Installation	Number of UAC's < &10K	Number of UAC's \$10K - \$100K	Number of UAC's Over \$100K	Total Number Of UAC's	Total Value
CONTRACTING COMMAND - SOUTHWEST ASIA					
KUWAIT					
QATAR					
SAUDI ARABIA					
TOTAL	0	0	0	0	\$ -

Command or Director Name: Contracting Ctr for Excellence

Due: Semi-Annually

Starting FY 07

Each May 15th - First six-months of FY
Each November 15th - cumulative for FY

Installation	Number of UAC's < &10K	Number of UAC's \$10K - \$100K	Number of UAC's Over \$100K	Total Number Of UAC's	Total Value

Command or Director Name: Korea

Due: Semi-Annually

Starting FY 07

Each May 15th - First six-months of FY
Each November 15th - cumulative for FY

Installation	Number of UAC's < &10K	Number of UAC's \$10K-\$100K	Number of UAC's Over \$100K	Total Number Of UAC's	Total Value
CONTRACTING COMMAND - KOREA					

Command or Director Name: Europe

Due: Semi-Annually

Starting FY 07

Each May 15th - First six-months of FY
Each November 15th - cumulative for FY

Installation	Number of UAC's < &10K	Number of UAC's \$10K - \$100K	Number of UAC's Over \$100K	Total Number Of UAC's	Total Value
CONTRACTING COMMAND - EUROPE					
WIESBADEN CONTRACTING CENTER					
RCO BENELUX					
RCO GRAFENWOEHR					
RCO SECKENHEIM					
RCO VICENZA					
RCO WUERZBURG					
TOTAL	0	0	0	0	\$ -

Command or Director Name: Pacific Region

Due: Semi-Annually

Each May 15th - First six-months of FY
Each November 15th - cumulative for FY

Starting FY 07

Installation	Number of UAC's < &10K	Number of UAC's \$10K - \$100K	Number of UAC's Over \$100K	Total Number Of UAC's	Total Value
CONTRACTING ELEMENT - PACIFIC					
FORT RICHARDSON					
FORT WAINWRIGHT					
FORT GREELEY					
HAWAII					
Total	0	0	0	0	\$ -